

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS CANADY,

Defendant.

FINAL HEARING ORDER

07-CR-0061-C

At a final hearing held on November 1, 2007 before United States District Judge Barbara B. Crabb, the following rulings were made.

1. The government may not introduce any evidence of DNA except in its rebuttal case and then only if the evidence is truly rebuttal in nature.
2. The government's motion to exclude any exculpatory comments made by defendant on the night of his arrest is GRANTED.
3. Neither side is to introduce evidence that a state charge is pending against defendant for his actions during the evening before he was arrested. The government has withdrawn its fourth motion in limine requesting an order precluding testimony that the defendant is a suspect in any other

investigations. The government may introduce this evidence so long as it does not refer to any pending charges that have been lodged against defendant.

4. If defendant wants to put in evidence of the lab report on the blood found on the weapon, he must call an expert witness for that purpose.
5. Neither party is to put in any evidence of the results of the testing of the gunshot residue.
6. The government may introduce the booking photographs of defendant on the night in question.
7. If the government introduces evidence that defendant said to someone that he had to leave because he had warrants outstanding against him, then defendant will stipulate to the fact that such warrants were outstanding.
8. Because the physical evidence that will be used in this trial may be needed by the state for an attempted homicide case against defendant, care will be given to the handling of the exhibits. None of them will be sent back to the jury room. If the jurors wish to look at the exhibits, they will have to come into the courtroom while the judge is on the bench and look at the exhibits without touching them.
9. Defendant's motion in limine for an order preventing the government from calling Lashundie Pearnell is DENIED. This denial is conditioned on the

government's reasonable anticipation that Ms. Pearnell will testify in accordance with the first statement that she made to law enforcement officials.

If the government has reason to believe that she will testify as she did in her second statement, then the government cannot call her as a witness.

The parties still anticipate that the case will take no more than 2 days and probably less.

Entered this 2d day of November, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge